UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/79/Add.13
28 December 1992

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

VENEZUELA

1. The Committee considered the second periodic report of Venezuela (CCPR/C/37/Add.14) at its 1197th to 1199th meetings, held on 2 and 3 November 1992, and adopted* the following comments:

A. Introduction

2. The Committee commends the State party on its report, drawn up in accordance with the Committee's guidelines (CCPR/C/20/Rev.1). The report contains detailed information on the law, although fuller information could have been provided on practice relating to the implementation of the Covenant. Furthermore, it highlights factors and difficulties which impeded the implementation of the Covenant in Venezuela during the period covered by the report. The Committee does, however, regret that the report was submitted over seven years behind schedule.

3. The Committee also thanks the State party for the core document (HRI/CORE/1/Add.3), drawn up in accordance with the consolidated guidelines for the initial part of States party reports to be submitted under the various international human rights instruments (HRI/1991/1).

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* At its 1203rd meeting (forty-sixth session), on 5 November 1992.

4. The Committee pays tribute to the competence of the delegation from the State party, which endeavoured to reply frankly and fully to the many questions raised by Committee members.

B. Positive aspects

5. The Committee welcomes the fact that democracy is thriving in Venezuela, and notes with satisfaction the adoption by or submission to Parliament in recent years of a great many laws and regulations dealing with human rights. These include important texts dealing with, for example, the protection of indigenous peoples and equality between men and women. The Committee takes note of provisions granting international human rights instruments precedence over Venezuelan domestic law.

C. Factors and difficulties impeding the implementation of the Covenant

6. The Committee notes that a number of states of emergency, resulting from riots caused by economic reforms, have been declared in the past in Venezuela, the most recent extending from 4 February to 30 April 1992. Emergency measures notified to the Secretary-General have suspended a number of the safeguards called for in the Covenant, and impeded the full implementation of the Covenant during those periods. The Committee also notes that outdated legislation which is still in force despite being severely criticized in Venezuela is one of the factors impeding the full and complete implementation of the Covenant.

D. Principal subjects of concern

7. The Committee expresses concern at the serious human rights violations, such as enforced and involuntary disappearances, torture and extrajudicial executions, that were committed during the attempted coup d'état in 1989 and early 1992. It is disturbed by the failure to take sufficient steps to punish those guilty of such violations, and concerned that members of the police force and the security services and military personnel are likely to go unpunished as a result. It notes that judicial investigations into such cases have clearly been too slow, especially where members of the armed forces are concerned.

8. The Committee is also concerned that custody can last as long as 16 days and emphasizes that it is precisely during such periods that accused persons are most vulnerable, in particular to acts of torture or ill-treatment. The possibility that civilians may be tried by military courts is likewise a matter of concern to the Committee.

9. The Committee also expresses its concern over the application of article 35 of the Aliens Act, which does not provide for any possibility of appeal, and over conditions of detention in places of imprisonment.

E. Suggestions and recommendations

10. The Committee recommends the State party to take whatever steps are necessary to combat all human rights violations, in particular those that may have been committed during the various states of emergency. The State party should see to it that all members of the armed forces or the police who have committed violations of the rights guaranteed by the Covenant are tried and punished by civilian courts. The duration of custody should be reviewed, and an accused person should be allowed to undergo a medical examination upon request and to have access to his lawyer from the time of arrest. Steps should also be taken to make the remedy of amparo effective, and to improve conditions in places of detention substantially. The list of rights that cannot be derogated from, even during states of emergency, should be extended to include all the rights covered by article 4, paragraph 2 of the Covenant. Further measures should be taken pursuant to article 27 of the Covenant, in order to guarantee indigenous peoples their own cultural life and the use of their own language. Lastly, a special effort should be made to support the activities of the Human Rights Office. The Committee also recommends that training courses should be organized for members of the police, the armed forces and the security forces as well as for other law enforcement officials, so as to better acquaint them with basic human rights principles and norms.